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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------------|------------------|
| 10/002,741 | 11/15/2001 | Minoru Tateno | FUJZ 19.164 | 3839 |
| 26304 7590 01/17/2007 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585 | | | EXAMINER MEHRA, INDER P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2617 | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 01/17/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/002,741 | Applicant(s) TATENO ET AL. | |
| | Examiner Inder P. Mehra | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. <u>1/9/07</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to amendment dated : 10/20/06, and also with reference to Interview held on 1/9/07. Based on this amendment, claims 1-12 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-2 and 10 recite the following limitations, which are either not disclosed in the drawing correctly or not comprehensive, as follows:

Refer to claim 1 lines 7-¹⁰. Limitation "a clock changing unit" should be "Transmission Frequency Clock Changing Unit", refer to block 5-1 in fig. 1.

Refer to claim 1 lines 7-8. Limitation "the clock changing unit to provide the output signal with a clock changed to an output clock of the PLL circuit " is confusing. Does it mean that output clock from PLL circuit is added to the output signal coming out of "Frequency Generator 4"? If so, it should be recited clearly.

Refer to claim 1 lines 9-10. Limitation "a framing unit" is not shown in the fig. 1. Instead, "Frame generating unit" 6-2 or "Frame Adder" 6-1 is shown in the fig. 1. It is not comprehensive from the drawings as to which one is framing unit.

Refer to limitation "a framing unit to frame output data of the clock changing unit with the output clock". In this limitation it is not clear as to which signal output from Clock changing unit (same as Transmission Frequency clock changing unit 5-1) is being referred to, because there are two outputs from this Transmission Frequency clock changing unit 5-1, such as one going into Frame Adder 6-1, and the other one going into Frame Generator Unit 6-2. In other words, it is not clear as to which one is output data of clock changing unit, and which one is output clock. It is confusing.

In these circumstances, Claim1 is modified as a suggested claim to facilitate understanding only for necessary action.

Claim 1. (currently amended) A redundant changeover apparatus comprising :

- a changeover unit to change over from one to another of two input signals which are mutually asynchronous in phase;
- an extracting unit to extract a clock from an output signal of the changeover unit;
- a PLL circuit for inputting the extracted clock;
- the PLL circuit outputting a second clock, inputting the second clock to a clock changing unit,
- the output signal of the changeover unit is inputted to the clock changing unit;
- the clock changing unit to provide a second output signal with a third clock,
- the second output signal and the third clock are inputted to a framing unit;
- the framing unit to output frame output data using the second output signal and the third clock signal from the clock changing unit.

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4. Claim 2 lines 2-3 recite "two extracting units to extract data and a clock respectively of two input signals which are mutually asynchronous in phase". It is confusing, as to whether each extracting unit is functioning independent of each other in an identical fashion to extract data and clock respectively from input signals which are asynchronous. If so, claim 2 has been modified as suggestion, as follows:

Claim 2. (currently amended) A redundant changeover apparatus comprising:

two extracting units each to extract first and second data and first and second clock respectively of two input signals which are mutually asynchronous in phase, which are inputted to each of the two extracting units;

a first and a second reference clock changing unit to change the respective data with a reference clock inputted externally,

a first changeover unit to change over from one to another of data respectively outputted from the first and the second reference clock changing unit,

a second changeover unit to change over from one to another of clocks extracted by the extracting units,

a PLL circuit for inputting a clock outputted by the second changeover unit, from a clock changing unit to change output data of the first changeover unit from a clock before the changeover to an output clock of the PLL circuit.

5. Claim 10 is similar to claim 1. Suggestion relative to claim 1 apply to claim 10 also. Accordingly, claim 10 is modified as suggestion for necessary action.

Claim 10 (currently amended) A node device comprising:

redundant changeover apparatuses, provided in duplicate for same transmission lines of a working system and a protection system,

each redundant changeover apparatus comprises a changeover unit to change over from one to another of two input signals which are mutually asynchronous in phase, an extracting unit to extract a clock from an output signal of the changeover unit, a PLL circuit for inputting the extracted clock, the PLL circuit outputting a second clock, inputting the second clock to a clock changing unit, the output signal of the changeover unit is inputted to the clock changing unit; the clock changing unit to provide a second output signal with a third clock. the second output signal with the third clock are inputted to a framing unit; the framing unit to output frame output data using the second output signal and the third clock signal from the clock changing unit..

Appropriate correction/clarification is required. Applicant should explain these changes in "Remarks" of his future response.

All dependent claims dependent from corresponding independent claim should be looked into to ensure that these do not lack antecedent basis.

Drawings

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of claims 1-2 and claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Arguments

7. Applicant's arguments with respect to claims 1-12 have not been considered but are moot in view of the fact that claims could not be further considered pending the clarifications/issues raised under rejection under 112 second paragraph.

Claim 2 is not supported by drawings.

Conclusion

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder Pal Mehra 1/9/07

Inder P Mehra
Examiner
Art Unit 2617


JOHN PEZZLO
PRIMARY EXAMINER